

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CURTIS LEE DALE,

CASE NO. 4:24 CV 1627

Petitioner,

v.

JUDGE JAMES R. KNEPP II

IAN M. HEALY, WARDEN,

**MEMORANDUM OPINION AND
ORDER**

Respondent.

This matter is before the Court on Magistrate Judge Jennifer Dowdell Armstrong's Report and Recommendation ("R&R") to grant Respondent's Motion to Dismiss and dismiss as moot Petitioner Curtis Lee Dale's Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241. (Doc. 6). Specifically, Judge Armstrong recommends the Petition be dismissed as moot because Petitioner has been released from federal custody and there is no relief the Court can grant him. *See id.*

Under the relevant statute:

Within fourteen days of being served with a copy [of a Magistrate Judge's R&R], any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1); *see also* FED. R. CIV. P. 72(b)(2). The failure to file timely written objections to a Magistrate Judge's R&R constitutes a waiver of *de novo* review by the district court of any issues covered in the R&R. *Thomas v. Arn*, 728 F.2d 813, 814-15 (6th Cir. 1984); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

In this case, the R&R was issued on July 1, 2025, and Petitioner has neither filed timely objections nor requested an extension of time to file them. Despite the lack of objections, the Court has reviewed Judge Armstrong's R&R, and agrees with the findings and recommendation therein. Therefore, the Court ADOPTS Judge Armstrong's R&R (Doc. 6) as the Order of this Court, GRANTS Respondent's Motion to Dismiss (Doc. 5), and DISMISSES the Petition (Doc. 1) as set forth therein. The Court further finds an appeal from this decision could not be taken in good faith. 28 U.S.C. § 1915(a)(3).

IT IS SO ORDERED.

s/ James R. Knepp II
UNITED STATES DISTRICT JUDGE

Dated: August 6, 2025